



GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS

**Secretary of State
Professional Licensing Boards Division**

NOTICE OF INTENT TO ADOPT PROPOSED RULES AND NOTICE OF PUBLIC HEARING

CHAPTER 240-6 LICENSURE BY EXAMINATION

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Cosmetology and Barbers (hereinafter "Board") proposes to adopt the following rules: 240-6-.01 EXAMINATION ADMINISTRATION, 240-6-.02 EXAMINATION FOR COSMETOLOGY OR BARBER LICENSE, and 240-6-.03 APPLICATION FOR COSMETOLOGY LICENSE AT THE MASTER COSMETOLOGIST, MASTER BARBER, BARBER, HAIR DESIGNER ESTHETICIAN OR NAIL TECHNICIAN LEVEL.

This notice, together with an exact copy of the synopsis of the proposed rule, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice and a synopsis of the proposed rule may be reviewed during normal business hours (8:00 am to 5:30 pm Monday through Friday, except official State holidays) at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's web page at www.sos.ga.gov/plb/cosmetology. Copies may also be requested by contacting the Georgia State Board of Cosmetology and Barbers at (478) 207-2440.

Any interested party affected by the rule may present comments to the Board no later than June 20, 2016. Written comments should be addressed to Lisa Durden, Director, Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217. Comments may be submitted by fax to 1-866-888-1176.

A public hearing is scheduled to begin at 9:00 a.m. on June 27, 2016 at the Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia to provide the public an opportunity to comment upon and provide input into the proposed rule.

The Board voted to adopt this Notice of Intent at its March 7, 2016 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §43-10-2(d), which requires the Board to regulate the practice of cosmetology and barbering in this state. Finally, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§43-1-2(j), 43-1-7, 43-10-2, 43-10-2(c), 43-10-9, and 43-10-12 to adopt or implement differing actions for businesses as listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, or owned and operated and dominant in the field of cosmetology and barbering.

The proposed rule will be considered for adoption by the Georgia State Board of Cosmetology and Barbers at its meeting scheduled to begin at 9:00 a.m. June 27, 2016 at the Professional Licensing Boards Division at 237

Coliseum Drive, Macon, Georgia 30217. According to the Department of Law, State of Georgia, the Georgia State Board of Cosmetology and Barbers has the authority to adopt the proposed rules for Chapter 240, pursuant to authority contained in O.C.G.A. §§43-1-2(j), 43-1-7, 43-10-2, 43-10-2(c), 43-10-9, and 43-10-12.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 27 day of May, 2016.

A handwritten signature in blue ink, appearing to read "Lisa W. Durden", is written over a horizontal line.

Lisa Durden

Division Director

Professional Licensing Boards Division

Posted: 27 MAY 16



GEORGIA STATE BOARD OF COSMETOLOGY AND BARBERS

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SYNOPSIS OF PROPOSED RULES

CHAPTER 240-6 LICENSURE BY EXAMINATION

Purpose: The passage of House Bill 314 by the Georgia General Assembly and signed into law by the Governor effective July 1, 2015 combined the former Georgia Board of Barbers and the former Georgia Board of Cosmetology into a single, combined board, the Georgia State Board of Cosmetology and Barbers. The new Board must adopt new rules for Chapter 240 prior to July 1, 2016.

240-6-.01 EXAMINATION ADMINISTRATION: This proposed rule addresses Board designation of examination vendors and reasonable accommodations for individuals with disabilities in accordance with the Americans with Disabilities Act. It also requires the exam to be administered in English with no foreign language translators present.

240-6-.02 EXAMINATION FOR COSMETOLOGY OR BARBER LICENSE: This proposed rule establishes standards for attending and passing licensing examinations.

240-6-.03 APPLICATION FOR COSMETOLOGY LICENSE AT THE MASTER COSMETOLOGIST, MASTER BARBER, BARBER, HAIR DESIGNER, ESTHETICIAN OR NAIL TECHNICIAN LEVEL: This proposed rule establishes application requirements for applicants for licensure. These requirements include (1) completion of the application form furnished by the Board, (2) proof of passage of the written and practical examination, (3) the required application fee, and (4) any other information required by law or rule.

Main Feature: The new proposed chapter identifies licensure examination standards, rules, and regulations as required by the Georgia State Board of Cosmetology and Barbers.

Rule 240-6-.01 Examination Administration

- (1) The board may designate vendor(s) for the purpose of administering examinations to applicants for licensure in accordance with the authority and powers granted to the board by statute. The designated vendor(s) may perform tasks pertaining to the examination of applicants including, but not limited to, receiving applications for examination, scheduling examinations, notifying applicants, and conducting examinations. All such tasks shall be identified in writing and performed only with the written approval of the board.
- (2) The board, through its designated vendor(s), will provide reasonable accommodations to a qualified applicant with a disability in accordance with the Americans with Disabilities Act. The request for such an accommodation must accompany the license application, be in writing, and received by the designated agent of the board by the application deadline accompanied with appropriate documentation as indicated in the Request for Disability Accommodation Guidelines.
- (3) All exams shall be administered in English. No foreign language translators will be allowed or furnished.
- (4) Properly credentialed Board members or Board staff shall have the authority to observe examinations at any time.

Authority: O.C.G.A. 43-10-9, 43-10-12, 43-1-2(j), 43-10-2(c)

Rule 240-6-.02 Examination for Cosmetology or Barber License

- (1) An applicant for the cosmetology examination at the master cosmetology, master barber, barber II, hair designer, esthetician, nail technician, or instructor for any license shall receive notice of eligibility sent by the Board or the Board's designated agent, stating the date, time and place of examination. If the applicant fails the examination or fails to report to the examination upon notice, such person may qualify for examination again by submitting another examination fee.
- (2) The applicant taking the examination shall be required to pass the practical and written examination with a minimum score of 70% on each section. Failure to achieve a passing score requires the applicant to retake the section failed.
- (3) An applicant may be excused from examination in an emergency situation, from taking that examination only one time without payment of additional examination fee. An emergency situation is defined as illness or death in applicant's family. Only written excuses, with proof of emergency, will be considered.
- (4) Any applicant receiving a notice of examination, who fails to report to the examination or submit a written excuse to the Board or the Board's designated agent, within 10 days after date of examination, will be required to pay another examination fee before being permitted to take the examination.

Authority: O.C.G.A. 43-1-2(j), 43-10-9, 43-10-12

Rule 240-6-.03 Application for Cosmetology License at the Master Cosmetologist, Master Barber, Barber, Hair Designer, Esthetician or Nail Technician Level

- (1) Any person desiring to practice cosmetology or barbering at the master cosmetologist, master barber, barber II, hair designer, esthetician or nail technician level in the State of Georgia, is required to make application for a license using the form furnished by the Georgia State Board of Cosmetology and Barbers and show by such application that applicant has met all the requirements of the laws and the rules of the Board. When such application is properly filled out and returned to the Board, it shall be accompanied by the following:
 - (a) Proof of passing a written and practical examination from Board's designated agent;
 - (b) any other information requested by the Board required for licensure by law or rule.
 - (c) the required application processing fee(s) which is non-refundable;

Authority: O.C.G.A. 43-10-7, 43-10-2, 43-10-9



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RULES CHAPTER 240-6 LICENSURE BY EXAMINATION

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Authority: O.C.G.A. 43-10-7, 43-10-2, 43-10-9